



PRYOR CASHMAN LLP

7 Times Square, New York, NY 10036-6569 Tel: 212-421-4100 Fax: 212-326-0806

New York | Los Angeles

www.pryorcashman.com

Ilene S. Farkas
Partner

Direct Tel: 212-326-0188
Direct Fax: 212-798-6382
ifarkas@pryorcashman.com

March 6, 2015

VIA E-MAIL: (NathanNYSDChambers@nysd.uscourts.gov)

Honorable Alison J. Nathan
United States District Court
Southern District of New York
500 Pearl Street, Room 615
New York, NY 10007

**Re: Capitol Records, LLC d/b/a EMI Music North America v.
Escape Media Group, Inc., 12 Civ. 6646 (AJN) (SN)**

Dear Judge Nathan:

We are counsel for Plaintiff Capitol Records, LLC d/b/a EMI Music North America ("Plaintiff" or "EMI") in the above-captioned Action. Pending before your Honor is Magistrate Judge Netburn's Report and Recommendation to Your Honor, which recommended that EMI's motion for summary judgment be granted and that defendant should be held liable for copyright infringement (the "Recommendation").

We write pursuant to Rule 3.H. of Your Honor's Individual Rules, which requires a movant to send a letter alerting the Court if a motion has not been decided within 60 days of being fully briefed. Judge Netburn's Recommendation was issued on May 28, 2014. Defendant's Objections and Plaintiff's Responses thereto were fully briefed on July 3, 2014.

Because this matter involves Your Honor's review of a Magistrate Judge's Recommendation as to the determination of a motion, it was not entirely clear to us whether Rule 3.H. is applicable. Further, we are mindful that the Court has a significant case load and we therefore write with hesitation. However, Defendant – which Judge Netburn found in the Recommendation to be operating an infringing free music streaming website – willfully continues to make available hundreds if not thousands of EMI's copyrighted works for unauthorized streaming on a daily basis in utter disregard of Judge Netburn's findings and recommendation. It is apparent that Defendant will not cease infringing unless and until compelled to do so by this Court.



Honorable Alison J. Nathan
March 6, 2015
Page 2

Should Your Honor wish to discuss this matter further, we are available at the Court's convenience.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Ilene S. Farkas", written over a horizontal line.

Ilene S. Farkas

cc: John Rosenberg, Esq.
Matthew Giger, Esq.